

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MICHAEL DAVID BENSON, SR.,

Case No. 2:14-cv-00132-CL

Plaintiff,

**ORDER**

v.

COLLETTE PETERS, et al.,

Defendant.

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AIKEN, District Judge:

Magistrate Judge Mark Clarke filed his Findings and Recommendation (“F&R”) (doc. 146) recommending that Defendants’ Motion for Summary Judgement be granted. Plaintiff then timely filed objections to the F&R (doc. 151). The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of a magistrate judge’s F&R, the district court must make a de novo determination of that portion of the magistrate judge’s report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), cert denied, 455 U.S. 920 (1982). Based on my review

of the F&R and the documents in the case, I find no error in Judge Clarke's F&R and Plaintiff's objections do not undermine Judge Clarke's analysis. Thus, I adopt Judge Clarke's F&R (doc. 146) in its entirety. Accordingly, Defendants' Motion for Summary Judgement (doc. 99) is GRANTED.

IT IS SO ORDERED.

Dated this 31<sup>st</sup> day of March, 2019.

A handwritten signature in black ink, appearing to read "Ann Aiken", written in a cursive style.

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Ann Aiken  
United States District Judge